

CHAPTER NO. 37

HOUSE BILL NO. 1984

By Representative Rinks

Substituted for: Senate Bill No. 1954

By Mr. Speaker Wilder

AN ACT to amend Chapter 389 of the Acts of 1901; as amended by Chapter 23 of the Private Acts of 1911; Chapter 57 of the Private Acts of 1913 (First Extraordinary Session); Chapter 189 of the Private Acts of 1921; Chapter 365 of the Private Acts of 1925; Chapter 615 of the Private Acts of 1925; Chapter 710 of the Private Acts of 1927; Chapter 414 of the Private Acts of 1929; Chapter 506 of the Private Acts of 1931; Chapter 292 of the Private Acts of 1939; Chapter 356 of the Private Acts of 1941; Chapter 254 of the Private Acts of 1941; Chapter 421 of the Private Acts of 1941; Chapter 80 of the Private Acts of 1945; Chapter 208 of the Private Acts of 1947; Chapter 751 of the Private Acts of 1947; Chapter 181 of the Private Acts of 1953; Chapter 366 of the Private Acts of 1957; Chapter 78 of the Private Acts of 1959; Chapter 212 of the Private Acts of 1963 and Chapter 37 of the Private Acts of 1993; and any other acts amendatory thereto, relative to the Charter of the Town of Selmer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 389 of the Acts of 1901, being the Charter of the Town of Selmer, Tennessee as amended by Chapter 23 of the Private Acts of 1911, Chapter 57 of the Private Acts of 1913 (1st Ex Sess), Chapter 189 of the Private Act of 1921, Chapter 365 of the Private Acts of 1925, Chapter 615 of the Private Acts of 1925, Chapter 710 of the Private Acts of 1927, Chapter 414 of the Private Acts of 1929, Chapter 506 of the Private Acts of 1931, Chapter 292 of the Private Acts of 1939, Chapter 254 of the Private Acts of 1941, Chapter 356 of the Private Acts of 1941, Chapter 421 of the Private Acts of 1941, Chapter 80 of the Private Acts of 1945, Chapter 208 of the Private Acts of 1947, Chapter 751 of the Private Acts of 1947, Chapter 181 of the Private Acts of 1953, Chapter 366 of the Private Acts of 1957, Chapter 78 of the Private Acts of 1959, Chapter 212 of the Private Acts of 1963, Chapter 37 of the Private Acts of 1993; and all acts amendatory thereto are amended by deleting them in their entirety and by substituting instead the following sections to continue The Town of Selmer, Tennessee, as a body politic and corporate by the name and style of Selmer, Tennessee, and to constitute this Act as its complete Charter.

SECTION 2. The Town of Selmer shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 3. As used in this Charter, the following words and terms shall have the following meanings:

(1) "Alderman" means a person elected to the office of Alderman as provided in this Charter.

(2) "At large" means the entire Town, as distinguished from representation by wards or other districts.

(3) "Board of Mayor and Aldermen" and "Board" means the legislative body of the Town, which shall be composed of the Mayor and five (5) Aldermen elected as provided in this Charter.

(4) "Elector" means a qualified voter residing within the Town or a non-resident who is the owner of real property located within the Town and who is qualified to vote at their place of residence.

(5) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

(6) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

SECTION 4. The boundaries of the Town shall be those fixed by Chapter 389 of the Acts of 1901, all acts amendatory thereto, and annexations made pursuant to general law.

Territory within the Town may be divided into wards as may be prescribed by ordinance and aldermen may be elected by wards if the ordinance so provides.

SECTION 5. The Town shall have power:

(1) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(2) To levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kind of tax not prohibited to towns by the Constitution or general law.

(3) To levy and collect a room occupancy tax as authorized by Chapter 213 of the Private Acts of 1988.

(4) To levy and collect registration fees on motor vehicles. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles.

(5) To appropriate and borrow money, and to authorize the expenditure of money for any municipal purpose.

(6) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift or condemnation, for public use, for present or future use by the Town, to reserve industrial, sites, to provide open spaces, to encourage proper development of the community, or for the general welfare of the community. Such acquisitions may be within or outside the Town.

(7) To grant franchises or make contracts for public utilities and public services, not to exceed a period of thirty (30) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service.

(8) To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, forests, tree

and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements, inside or outside the Town; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws.

(9) To require property owners to repair and maintain in a safe condition their lots or lands, including removal of snow, debris or other material.

(10) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings, which are so out of repair as to be unsafe, unsanitary or unsightly. The Town shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made.

(11) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(12) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts.

(13) To define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the Town.

(14) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the Town, and to provide for the enforcement of such standards.

(15) To regulate and license vehicles operated for hire in the Town, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(16) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty or forfeiture.

(17) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(18) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the Town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be

in addition to such powers unless expressly prohibited to towns by the constitution or general laws of the state.

SECTION 6. On the first Tuesday after the first Monday in November of each odd-numbered year, a nonpartisan, at-large, general municipal election shall be conducted by the county election commission. At the election to be held in 1993, a Mayor and two (2) Aldermen shall be elected for four-year terms, and the three (3) candidates for Aldermen receiving the next highest number of votes shall be elected for the two-year terms. At elections thereafter, Aldermen shall be elected to four-year terms to the end that Aldermen shall serve staggered, four-year terms.

In all elections for Mayor or for Alderman, pluralities shall determine the candidates elected. In cases of a tie vote for Mayor or Alderman, the incumbent Board of Mayor and Aldermen shall determine the winner.

The term of office for the Mayor and for the Aldermen shall commence on January 1 of the year following their election.

Any qualified resident voter over the age of twenty-one (21) who has been a resident of the Town for at least one (1) year may be qualified as a candidate for Mayor or Alderman.

SECTION 7. The Board of Mayor and Aldermen may, by resolution, order placed upon the ballot questions for referendum to the electorate.

SECTION 8.

(a) The Mayor and five (5) Aldermen elected under this Charter shall compose the Board of Mayor and Aldermen, in which is vested all corporate legislative and other powers of the Town, except as otherwise provided in this Charter.

(b) The compensation of the Mayor and Aldermen shall be set by Ordinance, but the salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor and Aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The Board of Mayor and Aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board shall meet in special session on notice of the Mayor or any three (3) Aldermen and served on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(d) A majority of the Aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes shall be recorded in the journal. The Board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

SECTION 9. The Mayor shall preside at meetings of the Board, and shall not have a vote on any matters except in the case of a tie vote. The Mayor shall be recognized as the ceremonial head of the Town. The Mayor shall be the officer to accept

process against the Town, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 10. There shall be a Vice-Mayor who shall be selected in January after each general election by the Board from among their number. The term of office of the Vice-Mayor shall be for a period of two (2) years. The Vice-Mayor shall perform the duties of the Mayor during the Mayor's permanent absence or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall fill out the unexpired term, or until the next regular Town election, whichever shall occur first. If the Vice-Mayor is filling out a term in the office of Mayor, the Vice-Mayor's position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in this section. The Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

SECTION 11. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his residence from the Town, has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office, or is otherwise removed from office pursuant to Tennessee Code Annotated, Title 8, Chapter 47, for a felony conviction, crime involving moral turpitude, or other misconduct.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular Town election, whichever shall occur first. If the next regular Town election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular Town election, to fill the remainder of the unexpired term.

SECTION 12. The Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the Town, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. The Board shall deal with the various agencies, officers and employees of the Town, solely through the Mayor, and shall not give orders to any subordinates of the Mayor, either publicly or privately. Nothing herein contained shall prevent the Board from conducting such inquiries into the operation of the Town government and the conduct of the Town's affairs as it may deem necessary.

SECTION 13. Any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of Selmer:". Every ordinance must be approved on two (2) readings, and there shall be a minimum of fourteen (14) days between readings. Any ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption and being signed by the Mayor unless a different effective date is designated in the ordinance.

All action by the Board shall be signed by the Mayor before it shall become effective. The Mayor shall affix his approval within ten (10) days after adoption by the Board. If the Mayor withholds his signature for ten (10) days, exclusive of Sundays and holidays, the action shall become effective for failure to veto. The Mayor shall state his reasons for vetoing an action in writing and shall transmit his reasons and the action back to the Board for its reconsideration. The Board may pass the action over the veto by a simple majority vote of the full membership of the Board.

SECTION 14. The Town government shall be organized into such departments and offices as shall be provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may establish, abolish, merge, or consolidate offices, positions of employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

SECTION 15. The Mayor shall have the powers of a business manager; he shall have supervision and control of all the administrative affairs of the Town; he shall be its chief executive. He shall have access to all of the books, records, offices, and papers of every kind pertaining to the Town's business and require their proper and safekeeping. He shall present in writing or verbally to the Board his recommendations of the needs of the town at any time he deems advisable.

The Mayor shall have control over all municipal improvements and property and he shall have the exclusive power to make all expenditures within the budget after the same have been appropriated by the Board.

The Mayor shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for military aid. The Mayor shall have temporary authority to appoint, promote, transfer, demote, suspend and remove employees and may delegate such authority as he deems advisable. He may temporarily appoint, demote, suspend, and remove the Town Administrator, the Town Recorder, the Town Attorney, the Town Judge, the Town Treasurer or any employee designated by ordinance, as a department head. Temporary actions of the Mayor shall be effective until such time as they are confirmed or rejected by the Board.

SECTION 16. The Board shall appoint a Town Recorder, who shall serve at the pleasure of the Board.

The Recorder shall keep and preserve the Town seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and prepare and certify copies of official records.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected. The Recorder may countersign warrants signed by the Mayor or the Treasurer.

SECTION 17. The Board shall appoint a Town Attorney, who shall serve at the pleasure of the Board. The Town Attorney shall be responsible for advising the Mayor and Board and officers and employees' concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board.

SECTION 18. A Town Judge shall be appointed by the Board, who shall serve at the pleasure of the Board. A person designated by the Board shall serve in the absence or incapacity of the judge.

The jurisdiction of the Town Judge shall extend to the trial of all offenses against the ordinances of the Town, and costs in such trials shall be fixed by ordinance. The Town Judge shall have the power to levy fines, penalties, forfeitures and costs, to issue

all necessary process, to administer oaths, and to maintain order including the power which the court of general sessions have to fine for contempt. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the Town and shall be paid into the Town Treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the Town Judge shall be fixed by the Town Judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: the original to the depositor, duplicate and money to the Recorder, and triplicate to the Town Judge within twenty-four (24) hours after the arrest.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the Town Judge shall commit the offender to the appropriate facility for confinement until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of sixty (60) days. Receipts of the Town Court shall be deposited with the Recorder and the Town Judge shall make monthly reports thereof to the Board.

The Town Judge shall keep a docket of all cases handled by him.

The Town Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the Town shall attempt to influence his decision except through pertinent facts in open court.

SECTION 19. The Board may appoint a Town Treasurer who shall serve at the pleasure of the Board. The Treasurer shall receive and keep safely all funds of the Town and shall pay out the same upon warrants signed by the Mayor and the Recorder. If the Board fails to appoint a Treasurer, the Recorder shall automatically assume the duties of the position.

SECTION 20. The Board may appoint a Town Administrator who shall serve at the pleasure of the Board.

The Administrator shall be appointed solely upon the basis of his administrative abilities, training, and experience and shall perform such administrative duties as are assigned by ordinance.

SECTION 21. Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

SECTION 22. The Board of Mayor and Aldermen shall appoint, for terms of not more than two (2) years, all employees who are designated, by ordinance, as department heads.

All other employees shall be employed by the Mayor and Board of Aldermen on recommendation of the department head.

SECTION 23. The appointment and promotion of employees of the Town shall be on a basis of merit, considering technical knowledge required to perform satisfactorily

the work, experience in the particular or similar line of work, and administrative or supervisory qualifications.

Before removal, demotion, or suspension for more than ten (10) days, an employee shall be given a written notice of intention to suspend, remove, or demote him, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the Board by filing, within ten (10) days, with the Recorder written notice of his intention to do so.

After receipt of such notice, the Board shall set a time and place for a public hearing on the matter, to be held within twenty (20) days thereafter. The Board may override or modify the removal, demotion or suspension action by a majority vote of the full membership of the Board, and the action of the Board shall be final determination of the matter.

The requirement for written notice and the availability of a hearing before the Board shall not be applicable to the Town Recorder or to any employee designated, by ordinance, as a department head at the expiration of their appointed term of office.

SECTION 24. The Board may adopt supplementary rules and regulations governing employment by the Town, not inconsistent with the provisions of this Charter.

SECTION 25. Before a person takes any office in the Town government, he shall subscribe to the following oath or affirmation, administered by the Recorder or the Mayor: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Selmer, and that I will faithfully discharge the duties of the office of _____."

SECTION 26. The Mayor and every officer, agent, and employee of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board with some surety company authorized to do business in the State of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board and the costs of such bonds shall be paid by the Town.

SECTION 27. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the Town government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessments subscription or contribution from any employee of the Town in connection with any Town election. Any person who by himself or with others (willfully, knowingly, or corruptly) violates any provision of this section commits a criminal offense and shall be punished as provided by general law. In addition to any criminal violation, such person shall be subject to removal from office pursuant to general law.

SECTION 28. No officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the Town.

SECTION 29. The fiscal year of the Town government, shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year.

SECTION 30. Prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general

fund, each utility, and each other fund the following: (1) revenue and expenditures during the preceding year; (2) estimated revenue and expenditures for the current fiscal year; (3) estimated revenue and recommended expenditures for the next fiscal year; and (4) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the mayor. A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Alderman.

SECTION 31. After receiving the mayor's proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one time in a newspaper having general circulation in the Town. The publication shall appear at least ten (10) days in advance of the date of the hearing.

SECTION 32. After the public hearing the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year after ten (10) days notice published in the newspaper and a public hearing before the board.

SECTION 33. The Mayor shall be responsible for controlling expenditures of the various agencies of the Town government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

SECTION 34. Any contract or agreement made in violation of the provisions of this charter or ordinances of the Town shall be void and no expenditure shall be made hereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the Town for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his removal, pursuant to the general law provisions for removal from office.

SECTION 35. The Mayor may sell Town property which is obsolete, surplus, or unusable; provided, however, that any sale for more than one thousand dollars (\$1,000) or any sale of real estate shall be subject to approval by the Board.

SECTION 36. Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price.

SECTION 37. All property subject to taxation shall be subject to the property tax levied by the Town.

SECTION 38. The Town Recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the Town.

SECTION 39. The Board shall make a tax levy, expressed as a fixed rate per one-hundred dollars (\$100) of assessed valuation, not later than ninety (90) days prior to

the tax due date. In the event of Board's failure to do so, the prior year's tax rate shall continue in effect.

SECTION 40. The due dates of property taxes shall be fixed by ordinance and provision may be made for equal semi-annual installments. The Town shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the Town shall have the force and effect of a judgement of a court of record.

SECTION 41. The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the Town under the laws governing execution of such process from a justice of the peace; or by the county trustee as provided by general law; or by the Town Attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by the use of any other available legal processes and remedies.

SECTION 42. The Town may contract with the county for the collection of Town taxes. The contract may provide for reasonable fees to be paid to the county for this service.

SECTION 43. No officer or employee of the Town shall have the authority to excuse taxes, penalties, interest, special assessment, or other charges due the Town, but errors may be corrected when authorized by the Board.

SECTION 44. All disbursements, except for any agency of the Town administered by a Board of Commission, shall be made by checks signed by the Town Recorder and by the Mayor. The Board may designate other officers to sign such checks in the absence or disability of the Mayor or Town Recorder.

SECTION 45. The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the Town, with such collateral security as may be deemed necessary by the Board.

SECTION 46. In addition to other powers granted in this Charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the Town is authorized to undertake by this Charter. In the event of an emergency where the Board is unable to meet or a quorum is not available, the Mayor shall have the power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government on behalf of the Board, specifically for dealing with the emergency, and shall notify the Board as soon as practical after the emergency as to any and all actions taken by him/her during the emergency.

SECTION 47. Notwithstanding any provision of this charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to provisions of this Charter.

SECTION 48. The violation of any provision of this charter, for which a penalty is not specifically provided herein, shall be punished by civil penalty in an amount to be established by ordinance.

SECTION 49. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part of parts held to be invalid or unconstitutional. It is the legislative intent in enacting this charter than each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 50. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of The Town of Selmer by a vote to be taken not more than one hundred twenty (120) days after is passage. Its approval or nonapproval shall be proclaimed by the Mayor of Selmer and, within ten (10) days of such vote, certified to the secretary of state.


SECTION 51. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 50.

PASSED: April 26, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 3rd day of May 2001


DON SUNDQUIST, GOVERNOR